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09/637,969	08/11/2000	Nayel Saleh	6065/79184	7992

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EXAMINER

EL HADY, NABIL M

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 04/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/637,969

Applicant(s)

SALEH, NAYEL

Examiner

Nabil M El-Hady

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2154

1. Claims 1-37 are pending in this application.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 4-9, 12, 13, 18, 19, 21-24, 27, 28, and 32-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tonisson (US 5,903,641).

4. Tonisson is cited by the applicant in IDS paper No. 2.

5. As to claim 1, Tonisson discloses the invention substantially as claimed including a method of allocating resources of a contact center (abstract; and col. 2, lines 60-61) comprising the steps of: selecting at least one operational parameter of a plurality of operational parameters of the contact center (col. 2, lines 12-13, 62-64); electronically monitoring the selected at least one operational parameter of the contact center (col. 1, lines 64-65; and col. 2, lines 12-13); performing a comparison between the operational parameter and a threshold value for the operational parameter (col. 10, lines 26-36; and col. 11, lines 6-11); and determining, based on the comparison, whether an action to be taken to affect allocation of resources of the contact center is necessary (col. 10, line 33 to col. 11, line 12; and Fig. 4).

6. Tonisson discloses allowing the contact center supervisor to allocate center resources by simply allowing the supervisor to decide (select) which performance characteristic

Art Unit: 2154

(parameter) should be optimized (col. 2, lines 12-13, 62-64) in order for this allocation to be done automatically and not manually (col. 2, lines 60-62). It would have been obvious to one skilled in the art at the time of the invention to use means attached to the apparatus, including a computer terminal used by the supervisor, in order to perform the selection process and to communicate the selection. This obvious means should simply allow the supervisor to decide (select) which performance characteristic (parameter) should be optimized (col. 2, lines 12-13, 62-64) in order for this allocation to be done automatically and not manually (col. 2, lines 60-62).

7. As to claim 18, the claim is rejected for the same reasons as claim 1 above. In addition, Tonisson discloses an apparatus for allocating resources of a contact center (Fig. 1), comprising: a supervisors terminal adapted to select at least one operational parameter of a plurality of operational parameters of the contact center (col. 2, lines 12-13, 62-64); a processing unit coupled with a storage device (col. 3, lines col. 49-58); a first set of instructions storable in the storage device and executable by the processing unit for monitoring the selected at least one operational parameter of the contact center (inherent in col. 1, lines 64-65; and col. 2, lines 12-13 ; a second set of instructions storable in the storage device and executable by the processing unit for performing a comparison between the operational parameter and a threshold value for the operational parameter (inherent in col. 10, lines 26-36; and col. 11, lines 6-11); and a third set of instructions storable in the storage device and executable by the processing unit for determining whether an action to be taken to affect allocation of resources of the contact center is necessary (inherent in col. 10, line 33 to col. 11, line 12; and Fig. 4).

8. As to claim 32, the claim is rejected for the same reasons as claims 1 and 18 above. In addition, Tonisson discloses an apparatus for allocating resources of a contact center (Fig. 1),

Art Unit: 2154

comprising: means for selecting at least one operational parameter of a plurality of operational parameters of the contact center (col. 2, lines 12-13, 62-64); means for monitoring the selected at least one operational parameter of the contact center (inherent in col. 1, lines 64-65; and col. 2, lines 12-13); means for performing a comparison between the operational parameter and a threshold value for the operational parameter (inherent in col. 10, lines 26-36; and col. 11, lines 6-11); and means for determining whether an action to be taken to affect allocation of resources of the contact center is necessary (inherent in col. 10, line 33 to col. 11, line 12; and Fig. 4).

9. As to claims 2 and 19, Tonisson discloses agents as the resources of the contact center to be monitored (col. 2, lines 25-27). Tonisson also inherently disclose communication lines, or communication trunks as resources (col. 2, lines 60-67; and col. 3, lines 6-10, 52-54).

10. As to claim 4, Tonisson discloses the step of electronically monitoring, and the step of performing a comparison employ a digital computer associated with the contact center (inherent in col. 3, lines 55-58).

11. As to claims 5, 21, and 33, Tonisson discloses the monitoring step is performed in real-time.

12. As to claims 6 and 22, Tonisson discloses the action to be taken tends to improve the value of the operational parameter with respect to the threshold value (inherent in col. 2, lines 3-11, 31-35; col. 5, lines 4-10; and col. 11, lines 8-11, 20-23).

Art Unit: 2154

13. As to claims 7, 23, and 36, Tonisson discloses obtaining a sample value of the operational parameter (col. 4, lines 61-67; and col. 5, lines 53-54).
14. As to claims 8 and 24, Tonisson discloses the monitoring, performing, and determining steps are performed repeatedly (col. 10, lines 7-8).
15. As to claim 9, Tonisson discloses acquiring a limitation to terminate the repeated performance, and terminating the repeated performance in accordance with the acquired limitation (inherent in col. 10, lines 7-8).
16. As to claims 12, 13, 27, 28, 34, and 35 Tonisson discloses acquiring a threshold value for at least one parameter (col. 10, lines 26-36; and col. 11, lines 6-11); and acquiring and providing indication of an action to be taken (inherent in col. 10, line 33 to col. 11, line 12; and Fig. 4).
17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
18. Claims 3, 10, 11, 14-17, 20, 25, 26, 29-31, and 37, are rejected under 35 U.S.C. 103(a) as being unpatentable over Tonisson (US 5,903,641) in view of Corduroy et al. (US 5,978,465), hereafter "Corduroy".

19. Corduroy et al. is cited by the applicant in IDS paper No. 2.

20. As to claims 3 and 20, Tonisson discloses at least one operational parameter is selected from a group including service level (col. 5, line 6), time of call occurrence (col. 1, line 66), number of agents assigned to an agent group and number of agents available to service (col. 1, lines 45-46). Tonisson does not specifically disclose as operational parameters time of a one-time marketing/promotional campaign. Corduroy, however, discloses time of a one-time marketing/promotional campaign (col. 1, lines 18-20). It would have been obvious to one skilled in the art at the time of the invention to combine the teachings of Tonisson and Corduroy in order to enhance the functionality of Tonisson's system.

21. As to claims 10, 11, 14, 25, 26, and 37, Tonisson does not necessarily disclose determining and indicating whether an error condition exists. Corduroy, on the other hand, in a disclosure for allocating resources in a call center, discloses determining whether an error condition exists (60, Fig. 3), and indicating that an error condition exists (54, Fig. 3). It would have been obvious to one skilled in the art at the time of the invention to combine the teachings of Tonisson and Corduroy because Corduroy's checking for an error and reporting an error message would enhance the functionality of Tonisson's system for allocating resources in the contact center by adding to the tools available to Tonisson's call center supervisor to place the system under full control.

22. As to claim 15, the claim is rejected for the same reasons as claims 1, 8, 13, and 14 above.

Art Unit: 2154

23. As to claims 29 and 30, the claims are rejected for the same reasons as claims 18, 24-26 above.

24. As to claims 16,17, and 31, Tonisson discloses acquiring a limitation to terminate the repeated performance, and terminating the repeated performance in accordance with the acquired limitation (inherent in col. 10, lines7-8).

25. Applicant's arguments filed 1/20/2004 have been fully considered but they are not persuasive. Therefore, the rejection of claims 1-37 is maintained.

26. In the remarks, applicants argued in substance that (1), Tonisson specifically excludes the subject matter of the claimed invention, (2), Cordoroy et al. fails to provide any teachings of the claimed invention.

27. Examiner respectfully traverses applicants' remarks.

28. As to point (1), the subject matter of the claimed invention as presented in the independent claims 1, 18, and 32 is not excluded by Tonisson. The subject matter of the claimed invention as presented in the independent claims 1, 18, and 32 would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Tonisson, as indicated above, discloses the invention substantially as claimed including a method of allocating resources of a contact center (abstract; and col. 2, lines 60-61) comprising the steps of: selecting at least one operational parameter of a plurality

Art Unit: 2154

of operational parameters of the contact center (col. 2, lines 12-13, 62-64); electronically monitoring the selected at least one operational parameter of the contact center (col. 1, lines 64-65; and col. 2, lines 12-13); performing a comparison between the operational parameter and a threshold value for the operational parameter (col. 10, lines 26-36; and col. 11, lines 6-11); and determining, based on the comparison, whether an action to be taken to affect allocation of resources of the contact center is necessary (col. 10, line 33 to col. 11, line 12; and Fig. 4). Tonisson discloses allowing the contact center supervisor to allocate center resources by simply allowing the supervisor to decide (select) which performance characteristic (parameter) should be optimized (col. 2, lines 12-13, 62-64) in order for this allocation to be done automatically and not manually (col. 2, lines 60-62). It would have been obvious to one skilled in the art at the time of the invention to use means attached to the apparatus, including a computer terminal used by the supervisor, in order to perform the selection process and to communicate the selection. This obvious means should simply allow the supervisor to decide (select) which performance characteristic (parameter) should be optimized (col. 2, lines 12-13, 62-64) in order for this allocation to be done automatically and not manually (col. 2, lines 60-62).

29. In response to applicant's argument that Tonisson excluded certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., sufficiency or insufficiency of resources, service level, the moving of agents, etc...) are not recited in the rejected independent claims 1, 18, and 32. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Art Unit: 2154

30. As to point (2), and in response to applicant's argument that Tonisson fails to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., sufficiency or insufficiency of resources, service level, the moving of agents, etc...) are disclosed by Cordoroy et al. as indicated above in the rejection of the dependent claims. One skilled in the art at the time of the invention would be obviously motivated to combine the teachings of Tonisson and Corduroy in order to enhance the functionality of Tonisson's system by adding other performance parameters to the more efficient allocation of the contact center resources of Tonisson's.

31. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


32. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nabil M El-Hady whose telephone number is (703) 308-7990. The examiner can normally be reached on 9:00 - 4:00.

Art Unit: 2154

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (703) 305-8498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

April 1, 2004


Nabil El-Hady, Ph.D, M.B.A.
Primary Patent Examiner
Art Unit 2154